

103D CONGRESS  
2D SESSION

# H. R. 3392

To amend the Safe Drinking Water Act to assure the safety of public water systems.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 27, 1993

Mr. SLATTERY (for himself, Mr. BLILEY, Mr. ROWLAND, Mr. HALL of Texas, Mr. COOPER, Mr. PAXON, Mr. UPTON, Mr. LEHMAN, Mr. TAUZIN, Mr. POMEROY, Mr. BEREUTER, Mr. CANADY, Mr. WILLIAMS, Mr. FRANK of Massachusetts, Mr. BARRETT of Nebraska, Mr. BARLOW, Mr. McHUGH, Mr. SWETT, Mrs. VUCANOVICH, Mr. JEFFERSON, Mr. HUNTER, Mr. GRANDY, and Mr. WALSH) introduced the following bill; which was referred to the Committee on Energy and Commerce

JANUARY 26, 1994

Additional sponsors: Mr. SMITH of Iowa, Mr. YATES, Mr. HOEKSTRA, Mr. HALL of Ohio, Mr. FORD of Tennessee, Mrs. FOWLER, Mr. PICKETT, Mr. LANCASTER, Mr. PETERSON of Minnesota, Mr. HANSEN, Mr. COMBEST, Mr. CLEMENT, Mr. EWING, Mr. RICHARDSON, Mr. ROMERO-BARCELÓ, Mr. BISHOP, Mr. EMERSON, Mr. DARDEN, Mr. MONTGOMERY, Mr. CAMP, Mr. GILLMOR, Ms. DANNER, Mr. PARKER, Mr. BLUTE, Mr. BALLENGER, Mr. VOLKMER, Mr. LIGHTFOOT, Mr. NUSSLE, Mr. CONDIT, Mr. KYL, Mr. McCURDY, Mr. STEARNS, Mr. SARPALIUS, Mr. JOHNSON of Georgia, Mr. COLEMAN, Mr. STENHOLM, Mr. THOMAS of Wyoming, Mr. PETE GEREN of Texas, Mr. TAYLOR of Mississippi, Mr. SKEEN, Mr. BARTLETT of Maryland, Mr. DOOLITTLE, Mr. STUMP, Mr. KIM, Mr. COX, Mr. DREIER, Mr. YOUNG of Alaska, Mr. MCCOLLUM, Mr. HUTTO, Mr. MINGE, Mr. SMITH of Texas, Mr. LAUGHLIN, Mr. WILSON, Mr. REGULA, Mr. SOLOMON, Mr. EVERETT, Mr. SPENCE, Mr. LAROCO, Mr. PETRI, Mr. POSHARD, Mr. LEWIS of California, Mr. LEVY, Mr. SMITH of Michigan, Mr. ALLARD, Mr. DUNCAN, Mr. MICA, Mr. COBLE, Mr. McINNIS, and Mr. SISISKY

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# A BILL

To amend the Safe Drinking Water Act to assure the safety of public water systems.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Drinking Water  
5 Act Amendments of 1993”.

6 **SEC. 2. GOAL.**

7 Title XIV of the Public Health Service Act (the Safe  
8 Drinking Water Act) is amended by inserting the following  
9 before section 1401:

10 **“SEC. 1400. GOAL.**

11 “It is the goal of this Act to ensure the quality and  
12 safety of drinking water provided to the public by public  
13 water systems, and to protect the public health from the  
14 threat of disease caused by water-borne contaminants.”.

15 **SEC. 3. DEFINITIONS.**

16 Section 1402 of title XIV of the Public Health Serv-  
17 ice Act (the Safe Drinking Water Act) is amended as  
18 follows:

19 (1) Amend paragraph (1) to read as follows:

20 “(1) The term ‘primary drinking water regulation’  
21 means a regulation which—

22 “(A) applies to public water systems;

1           “(B) specifies one or more contaminants sub-  
2       ject to regulation under section 1412;

3           “(C) specifies for each such contaminant ei-  
4       ther—

5                   “(i) a maximum contaminant level, or

6                   “(ii) a treatment technique; and

7           “(D) contains criteria and procedures to assure  
8       a supply of drinking water which dependably com-  
9       plies with such maximum contaminant levels or  
10      treatment technique; including quality control and  
11      testing procedures to ensure compliance with such  
12      levels or treatment technique and to ensure proper  
13      operation and maintenance of the system, and re-  
14      quirements as to (i) the minimum quality of water  
15      which may be taken into the system, and (ii) siting  
16      for new facilities for public water systems.”.

17           (2) Amend paragraph (4) by striking the sec-  
18      ond sentence and inserting: “Such term includes (A)  
19      any collection, treatment, storage, and distribution  
20      facilities under the ownership of such system and  
21      used primarily in connection with such system, and  
22      (B) any collection or pretreatment storage facilities  
23      not under such ownership which are used primarily  
24      in connection with such system.”.

1           (3) Amend paragraph (6) by inserting before  
2           the period the following: “which is of public health  
3           or welfare concern.”.

4           (4) Add the following at the end thereof:

5           “(15) The term ‘risk reduction benefits and  
6           costs’ means the public health benefit achieved by  
7           changing the level of a contaminant from one level  
8           to another, taking cost into consideration.”.

9   **SEC. 5. NATIONAL DRINKING WATER REGULATIONS.**

10          Section 1412 of title XIV of the Public Health Serv-  
11   ice Act (the Safe Drinking Water Act) is amended as  
12   follows:

13           (1) Amend the second sentence of subsection  
14           (a)(1) to read as follows: “No such regulation shall  
15           be required to comply with the standards set forth  
16           in subsection (b)(3) unless such regulation is amend-  
17           ed to establish a different maximum contaminant  
18           level (or treatment technique) after the enactment of  
19           the Safe Drinking Water Act Amendments of  
20           1993.”.

21           (2) In paragraph (3) strike “, (2), or (3)” and  
22           insert “or (2)”.

23           (3) Amend subsection (b) to read as follows:

24           “(b)(1) In the case of those contaminants listed in  
25   the Advance Notice of Proposed Rulemaking published in

1 volume 47, Federal Register, page 9352, and in volume  
2 48, Federal Register, page 45502, for which national pri-  
3 mary drinking water regulations have not been promul-  
4 gated as of the date of enactment of the Safe Drinking  
5 Water Act Amendments of 1993, the Administrator  
6 shall—

7           “(A) publish maximum contaminant level goals  
8           and promulgate a national primary drinking water  
9           regulation in accordance with paragraph (3) for  
10          those contaminants which he finds, based on data  
11          available under section 1445, occur in drinking  
12          water and are of public health concern, and

13          “(B) not later than 18 months after enactment  
14          of the Safe Drinking Water Act Amendments of  
15          1993, eliminate monitoring, compliance and enforce-  
16          ment requirements for those contaminants which the  
17          Administrator finds, based on such data, do not  
18          occur in drinking water at levels of public health  
19          concern.

20          “(2) Not later than 36 months after enactment of  
21          the Safe Drinking Water Act Amendments of 1993, and  
22          every 5 years thereafter, the Administrator shall promul-  
23          gate maximum contaminant level goals and national pri-  
24          mary drinking water regulations for new contaminants se-  
25          lected in accordance with this paragraph. The Adminis-

1 trator shall review the national drinking water occurrence  
2 data base maintained under section 1445. After notice and  
3 opportunity for public comment, the Administrator shall  
4 assess all occurrence and public health information avail-  
5 able with respect to each. Based on such assessment, the  
6 Administrator shall determine with respect to each con-  
7 taminant listed under section 1445 based upon occurrence  
8 and public health concern whether promulgation of a na-  
9 tional primary drinking water regulation is or is not ap-  
10 propriate, or whether additional health effects or occur-  
11 rence information is necessary before a determination can  
12 be made. For those contaminants the Administrator  
13 makes a determination that a national primary drinking  
14 water regulation is not appropriate, the Administrator  
15 shall also make a determination on continuation of mon-  
16 itoring under section 1445.

17       “(3) Each maximum contaminant level goal estab-  
18 lished under this subsection shall be set at the level at  
19 which no known or anticipated adverse effects on the  
20 health of persons occur and which allows an adequate  
21 margin of safety. Each national primary drinking water  
22 regulation for a contaminant for which a maximum con-  
23 taminant level goal is established under this subsection  
24 shall specify a maximum level for such contaminant which  
25 is achievable by public water systems with the use of the

1 best technology, treatment techniques and other means,  
2 taking public health risk reduction benefits and cost into  
3 consideration, which the Administrator finds are available,  
4 after examination for efficacy under field conditions, and  
5 not solely under laboratory conditions. In addition, the Ad-  
6 ministrator shall establish in each national primary drink-  
7 ing water regulation best technology treatment techniques  
8 for public water systems serving less than 1,000 people,  
9 best technology treatment techniques for public water sys-  
10 tems serving between 1,000 and 10,000 people, and best  
11 technology treatment techniques for public water systems  
12 serving more than 10,000 people. In addition to tech-  
13 nology, watershed protection and pollution prevention  
14 shall be considered appropriate best technology for pur-  
15 poses of compliance with national primary drinking water  
16 regulations.

17 “(4) Notwithstanding the provisions of paragraph  
18 (3), the Administrator shall promulgate national primary  
19 drinking water regulations for radionuclides, disinfection  
20 byproducts, sulfate, and corrosion byproducts which will  
21 be protective of public health and take into account—

22 “(A) the health benefits to be achieved by re-  
23 ducing the level of such contaminants in drinking  
24 water relative to reducing the level of such contami-  
25 nants in other media;

1 “(B) the availability of technology—

2 “(i) that is effective in removing or other-  
3 wise treating such contaminants under field  
4 conditions reflecting a representative range of  
5 water qualities (and not just under laboratory  
6 conditions), and

7 “(ii) which does not cause significant ad-  
8 verse impacts on—

9 “(I) other elements of drinking water  
10 quality,

11 “(II) other environmental media, in-  
12 cluding impacts related to disposal of  
13 treatment residuals, or

14 “(III) the efficacy of other drinking  
15 water treatment or processes; and

16 “(C) the costs to consumers of such regulation.

17 “(5) Each national primary drinking water regulation  
18 which establishes a maximum contaminant level shall list  
19 the technology, treatment techniques, and compliance  
20 timeframes and other means which the Administrator  
21 finds to be available for purposes of meeting such maxi-  
22 mum contaminant level, but a regulation under this sub-  
23 section shall not require that any specified technology,  
24 treatment technique, or other means be used for purposes  
25 of meeting such maximum contaminant level.



1       “(6)(A) The Administrator is authorized to promul-  
2 gate a national primary drinking water regulation that re-  
3 quires the use of a treatment technique in lieu of establish-  
4 ing a maximum contaminant level, if the Administrator  
5 makes a finding that it is not economically or techno-  
6 logically feasible to ascertain the level of the contaminant.  
7 In such case, the Administrator shall identify those treat-  
8 ment techniques which will be protective of public health  
9 and which take into account the factors specified in para-  
10 graphs (3) and (4) of this subsection as appropriate. Such  
11 regulation shall specify each treatment technique known  
12 to the Administrator which meets the requirements of this  
13 paragraph, but the Administrator may grant a variance  
14 from any specified treatment technique in accordance with  
15 section 1415(a)(3).

16       “(B)(i) Not later than 18 months after the enactment  
17 of the Safe Drinking Water Act Amendments of 1986, the  
18 Administrator shall propose and promulgate national pri-  
19 mary drinking water regulations specifying criteria under  
20 which filtration (including coagulation and sedimentation,  
21 as appropriate) is required as a treatment technique for  
22 public water systems supplied by surface water sources.  
23 In promulgating such rules, the Administrator shall con-  
24 sider the quality of source waters, protection afforded by  
25 watershed management, treatment practices (such as dis-

1 infection and length of water storage) and other factors  
2 relevant to protection of health.

3       “(ii) In lieu of the provisions of section 1415 the Ad-  
4 ministrator shall specify procedures by which the State de-  
5 termines which public water systems within its jurisdiction  
6 shall adopt filtration under the criteria of clause (i). The  
7 State may require the public water system to provide stud-  
8 ies or other information to assist in this determination.  
9 The procedures shall provide notice and opportunity for  
10 public hearing on this determination. If the State deter-  
11 mines that filtration is required, the State shall prescribe  
12 a schedule for compliance by the public water system with  
13 the filtration requirement. The schedule shall take into ac-  
14 count the time which is reasonably necessary for the public  
15 water system to plan, design, finance, and construct filtra-  
16 tion facilities and adjust operating practices necessary to  
17 achieve compliance with the filtration requirement.

18       “(iii) Within 24 months from the time that the Ad-  
19 ministrator establishes the criteria and procedures under  
20 this subparagraph, a State with primary enforcement re-  
21 sponsibility shall adopt any necessary regulations to imple-  
22 ment this subparagraph. Within 12 months of adoption  
23 of such regulations the State shall make determinations  
24 regarding filtration for all the public water systems within  
25 its jurisdiction supplied by surface waters.

1       “(iv) If a State does not have primary enforcement  
2 responsibility for public water systems, the Administrator  
3 shall have the same authority to make the determination  
4 in clause (ii) in such State as the State would have under  
5 that clause. Any filtration requirement or schedule under  
6 this subparagraph shall be treated as if it were a require-  
7 ment of a national primary drinking water regulation.

8       “(7) Not later than 48 months after the enactment  
9 of the Safe Drinking Water Act Amendments of 1993, the  
10 Administrator shall propose and promulgate national pri-  
11 mary drinking water regulations requiring disinfection as  
12 a treatment technique for all public water systems. The  
13 Administrator shall simultaneously promulgate a rule  
14 specifying criteria that will be used by the Administrator  
15 (or delegated State authorities) to grant variances from  
16 this requirement according to the provisions of section  
17 1415(a)(1)(B) and 1415(a)(3). In implementing section  
18 1442(g) the Administrator or the delegated State author-  
19 ity shall, where appropriate, give special consideration to  
20 providing technical assistance to small public water sys-  
21 tems in complying with the regulations promulgated under  
22 this paragraph.

23       “(8)(A) National primary drinking water regulations  
24 promulgated prior to the Safe Drinking Water Act  
25 Amendments of 1993 shall be reviewed not later than 30

1 months after enactment of such amendments. If the Ad-  
2 ministrator determines, based on data available under sec-  
3 tion 1445, that any contaminant subject to regulation does  
4 not occur in public water systems at levels of public health  
5 concern, he shall eliminate monitoring, compliance and en-  
6 forcement requirements from such contaminant regula-  
7 tion. Such regulations shall also be reviewed not later than  
8 5 years after enactments of such amendments, and if the  
9 Administrator determines that a regulation is not consist-  
10 ent with the factors specified in paragraph (3) or (4) of  
11 this subsection as appropriate, he shall promulgate a re-  
12 vised regulation in accordance with such factors.

13       “(B) Each national primary drinking water regula-  
14 tion promulgated after the enactment of the Safe Drinking  
15 Water Act Amendments of 1993 shall include a schedule  
16 for periodic review of such regulation. Such reviews shall  
17 include an analysis of new health effects and occurrence  
18 data, and innovations or changes in technology, treatment  
19 techniques or other activities that have become available  
20 since the promulgation of such regulation. If the Adminis-  
21 trator determines that the contaminant subject to regula-  
22 tion no longer occurs in drinking water at levels of public  
23 health concern, the Administrator shall eliminate monitor-  
24 ing, compliance and enforcement requirements from such  
25 contaminant regulation, and if he determines that the reg-

1   ulation is not consistent with the factors specified in para-  
2   graph (3) or (4) of this subsection as appropriate, the  
3   Administrator shall promulgate a revised regulation in ac-  
4   cordance with such factors.

5       “(9) National primary drinking water regulations  
6   promulgated under this subsection (and amendments  
7   thereto) shall take effect in accordance with schedules pro-  
8   mulgated by the Administrator in each such regulation ex-  
9   cept such schedule including monitoring requirements  
10  shall not be less than 24 months. Such schedules shall  
11  take into account the time which is reasonably necessary  
12  for public water systems to plan, design, finance, and con-  
13  struct treatment facilities and adjust operating practices  
14  necessary to achieve compliance with the regulation. Regu-  
15  lations under subsection (a) shall be superseded by regula-  
16  tions under this subsection to the extent provided by the  
17  regulations under this subsection.

18       “(10) No national primary drinking water regulation  
19  may require the addition of any substance for preventive  
20  health care purposes unrelated to contamination of drink-  
21  ing water.”.

22       (4) Amend the second sentence of subsection  
23   (e) to read as follows: “The Board shall respond, as  
24   it deems appropriate, and the Administrator shall  
25   publish the findings and recommendations of the

1 Board, if any, as part of the notice of proposed rule-  
2 making.”.

3 (5) Add the following at the end thereof:

4 “(f) NEGOTIATED RULEMAKING.—The Adminis-  
5 trator may utilize negotiated rulemaking procedures found  
6 in the Negotiated Rulemaking Act (5 U.S.C. 581–590)  
7 whenever he determines it will facilitate the promulgation  
8 of regulations required by this section.”.

9 **SEC. 4. STATE PRIMARY ENFORCEMENT RESPONSIBILITY.**

10 Section 1413 of title XIV of the Public Health Serv-  
11 ice Act (the Safe Drinking Water Act) is amended as  
12 follows:

13 (1) Amend paragraph (1) of subsection (a) to  
14 read as follows:

15 “(1) has adopted within 24 months of promul-  
16 gation by the Administrator, drinking water regula-  
17 tions which are no less stringent than the national  
18 primary drinking water regulations promulgated by  
19 the Administrator under sections 1412(a) and  
20 1412(b);”.

21 (2) Amend paragraph (4) of subsection (a) to  
22 read as follows:

23 “(4) If it permits variances from the require-  
24 ments of its drinking water regulations which meet  
25 the requirements of paragraph (1), permits such

1 variances under conditions and in a matter which is  
2 not less stringent than the conditions under, and the  
3 manner in, which variances may be granted under  
4 section 1415; and”.

5 **SEC. 6. ENFORCEMENT OF DRINKING WATER REGULA-**  
6 **TIONS.**

7 Section 1414 of title XIV of the Public Health Serv-  
8 ice Act (the Safe Drinking Water Act) is amended as  
9 follows:

10 (1) Strike “or an exemption under 1416” in  
11 each place it appears.

12 (2) Strike “or an exemption under section  
13 1416(f) in each place it appears.

14 (3) In subsection (b) strike “or exemption” and  
15 strike “or 1416”.

16 (4) Amend so much of subsection (c) as follows  
17 paragraph (1) to read as follows:

18 “(2) if the public water system is subject to a  
19 variance granted under section 1415(a)(1)(A) or  
20 1415(a)(2) for an inability to meet a maximum con-  
21 taminant level requirement—

22 “(A) the existence of such variance, and

23 “(B) any failure to comply with the re-  
24 quirements of any schedule prescribed pursuant  
25 to the variance.

1 The Administrator shall by regulation prescribe the fre-  
2 quency for giving notice under this subsection. Within 15  
3 months after the enactment of the Safe Drinking Water  
4 Act Amendments of 1993, the Administrator shall amend  
5 such regulations to provide for different types and fre-  
6 quencies of notice based on the seriousness of any poten-  
7 tial adverse health effects which may be involved. Notice  
8 of any violation designated by the Administrator as posing  
9 a serious potential adverse health effect shall be given as  
10 soon as possible, but in no case later than 14 days after  
11 the violation. Notice of violations judged to be less serious  
12 shall be given no less frequently than annually. The Ad-  
13 ministrator shall provide guidance as to the form, manner  
14 and content of notice to be used to provide information  
15 as promptly and effectively as possible taking into account  
16 both the seriousness of any potential adverse health effects  
17 and the likelihood of reaching all affected persons. States,  
18 in consultation with public water systems, shall determine  
19 the actual form, manner, and content of such notices. The  
20 Administrator may also require the owner or operator of  
21 a public water system to give notice to the persons served  
22 by it of contaminant levels of any unregulated contami-  
23 nant required to be monitored under section 1445(a). Any  
24 person who violates this subsection or regulations issued



1 under this subsection shall be subject to a civil penalty  
2 of not to exceed \$25,000.”.

3 (5) In subsection (f)(2) strike “or exemption”.

4 **SEC. 7. VARIANCES.**

5 Section 1415 of title XIV of the Public Health Serv-  
6 ice Act (the Safe Drinking Water Act) is amended to read  
7 as follows:

8 **“SEC. 1415. VARIANCES.**

9 “Notwithstanding any other provision of this part,  
10 variances from national primary drinking water regula-  
11 tions may be granted as follows:

12 “(1) A State which has primary enforcement  
13 responsibility for public water systems may grant  
14 one or more variances from an applicable national  
15 primary drinking water regulation to one or more  
16 public water systems within its jurisdiction.

17 “(2) A variance may only be issued if the State  
18 has determined that the water system cannot afford  
19 to install the BAT or other technology that has been  
20 identified by the Administrator as appropriate for  
21 the system size category to meet the maximum con-  
22 taminant level, and if it is not feasible for the water  
23 system to connect with another source of water that  
24 will meet the standards. If the State determines that  
25 a water system is unable to comply with a des-

1       ignated BAT, the system will be required to comply  
2       with a best available affordable technology (BAAT)  
3       as designed by the Environmental Protection Agen-  
4       cy. Such measures may include, but not be limited  
5       to, requirements for public education and notifica-  
6       tion, and use of alternative technologies that, while  
7       they cannot bring the contaminant level below the  
8       maximum contaminant level, will not result in an  
9       unreasonable risk to health.

10       “(3) After a variance is issued, it shall be re-  
11       viewed by the State every 3 years to determine if the  
12       conditions for granting the variance still exist. It  
13       shall be the responsibility of the water system to  
14       provide documentation to the State indicating that  
15       current BAT for the system size is still unaffordable  
16       and the system is still unable to connect with an-  
17       other source of water that meets the standards.

18       “(4) Before a determination to grant a variance  
19       is made by the State, the State shall provide notice  
20       and opportunity for a public hearing on the deter-  
21       mination. Each State that grants a variance shall  
22       promptly notify the Administrator of the granting of  
23       such variance. Such notification shall include the  
24       reasons for the variance and the documentation used  
25       to grant the variance.

1           “(5) The Administrator, in consultation with  
2           the States shall develop affordability guidance within  
3           18 months of enactment of the Safe Drinking Water  
4           Act Amendments of 1993. Such affordability criteria  
5           will be reviewed by the Administrator and States  
6           every 5 years to determine if changes are needed to  
7           the criteria.”.

8   **SEC. 8. EXEMPTIONS.**

9           Section 1416 of title XIV of the Public Health Serv-  
10          ice Act (the Safe Drinking Water Act) is repealed.

11   **SEC. 9. RETURN OF WATER.**

12          Title XIV of the Public Health Service Act (the Safe  
13          Drinking Water Act) is amended by adding the following  
14          after section 1417:

15   **“SEC. 1418. PROHIBITION ON THE RETURN OF WATER TO**  
16                   **PUBLIC WATER SYSTEMS.**

17          “(a) IN GENERAL.—

18               “(1) PROHIBITION.—Other provisions of law  
19               notwithstanding, except as provided in paragraph  
20               (2), no treated drinking water may be removed from  
21               a public water system used for any purpose or rout-  
22               ed through any device or pipes outside the public  
23               water system, and returned to the public water  
24               system.

1           “(2) EXCEPTIONS.—The prohibition in para-  
2           graph (1) shall not apply to pipes and devices totally  
3           within the control of one or more public water sys-  
4           tems or to connections between water mains.

5           “(b) STATE ENFORCEMENT.—The requirements of  
6           subsection (a) shall be enforced in all States effective 24  
7           months after enactment of this section. States shall en-  
8           force such requirements through State or local plumbing  
9           codes, or such other means of enforcement as the State  
10          may determine to be appropriate.”.

11   **SEC. 10. TAMPERING.**

12          Section 1432 of title XIV of the Public Health Serv-  
13          ice Act (the Safe Drinking Water Act) is amended by  
14          striking subsection (d) and inserting:

15          “(d) DEFINITION OF TAMPER.—For purposes of this  
16          section, the term ‘tamper’ means—

17               “(1) to introduce a contaminant into a public  
18               water system with the intention of harming persons;

19               “(2) to otherwise interfere with the operation of  
20               a public water system with the intention of harming  
21               persons; or

22               “(3) to inject water that has gone out of a pub-  
23               lic water system, back into such system in violation  
24               of section 1418.”.

1 **SEC. 11. RESEARCH, TECHNICAL ASSISTANCE, INFORMA-**  
2 **TION, AND TRAINING OF PERSONNEL.**

3 Section 1442 of title XIV of the Public Health Serv-  
4 ice Act (the Safe Drinking Water Act) is amended as  
5 follows:

6 (1) In subsection (a)(1) strike “may” and in-  
7 sert “shall”.

8 (2) Before the period at the end of subsection  
9 (a)(2) insert: “and for other purposes, including

10 “(i) the development and dissemination of  
11 advisory measures to protect against contami-  
12 nants which have not been found to occur in  
13 drinking water at levels of public health con-  
14 cern;

15 “(ii) assistance in achieving compliance  
16 with the public notification requirements of sec-  
17 tion 1414(c), and

18 “(iii) the development and dissemination of  
19 minimum guidance for the certification of lab-  
20 oratories that perform drinking water analyses,  
21 and for the certification of individuals who op-  
22 erate public water systems, for use by the  
23 States in ensuring the validity of monitoring re-  
24 ports by regulations issued under section 1445,  
25 and the competence of system operators.”.

26 (3) Amend subsection (f) to read as follows:

1       “(f)(1) There are authorized to be appropriated to  
 2 carry out the provisions of this section, other than sub-  
 3 sections (a)(1) and (a)(2)(B) and provisions relating to  
 4 research, \$15,000,000 for the fiscal year ending June 30,  
 5 1975; \$25,000,000 for the fiscal year ending June 30,  
 6 1976; \$35,000,000 for the fiscal year ending June 30,  
 7 1977, \$17,000,000 for each of the fiscal years 1978 and  
 8 1979; \$21,405,000 for the fiscal year ending September  
 9 30, 1980; \$30,000,000 for the fiscal year ending Septem-  
 10 ber 30, 1981, \$35,000,000 for the fiscal year ending Sep-  
 11 tember 30, 1982.

12       “(2) There are authorized to be appropriated to carry  
 13 out the provisions of subsection (a)(1) not more than the  
 14 following amounts:

<b>“Fiscal Year</b>	<b>Amount</b>
1994 .....	\$20,000,000
1995 .....	20,000,000
1996 .....	20,000,000
1997 .....	20,000,000
1998 .....	20,000,000.

15       “(3) There are authorized to be appropriated to carry  
 16 out subsection (a)(2)(B) \$8,000,000 for each of the fiscal  
 17 years 1978 through 1982. There are authorized to be ap-  
 18 propriated to carry out subsection (a)(2)(B) not more  
 19 than the following amounts:

<b>“Fiscal Year</b>	<b>Amount</b>
1987 .....	\$7,650,000
1988 .....	7,650,000
1989 .....	8,050,000
1990 .....	8,050,000
1991 .....	8,050,000.

1       “(4) There are authorized to be appropriated to carry  
 2 out the provisions of this section (other than subsection  
 3 (g), subsection (a)(1), subsection (a)(2)(B), and provisions  
 4 relating to research), not more than the following  
 5 amounts:

<b>“Fiscal Year</b>	<b>Amount</b>
1987 .....	\$35,600,000
1988 .....	35,600,000
1989 .....	38,020,000
1990 .....	38,020,000
1991 .....	38,020,000.”.

6 **SEC. 12. GRANTS FOR STATE PROGRAMS.**

7       Section 1443 of title XIV of the Public Health Serv-  
 8 ice Act (the Safe Drinking Water Act) is amended as fol-  
 9 lows:

10           (1) Amend the table in subsection (a)(7) to  
 11       read as follows:

<b>“Fiscal Year</b>	<b>Amount</b>
1987 .....	\$37,200,000
1988 .....	37,200,000
1989 .....	40,150,000
1990 .....	40,150,000
1991 .....	40,150,000
1994 .....	100,000,000
1995 .....	125,000,000
1996 .....	150,000,000
1997 .....	150,000,000
1998 .....	150,000,000.”.

12           (2) Amend paragraph (1) of subsection (c) by  
 13       striking “and exemptions” in both places it appears  
 14       and by striking “and 1416”.

1 **SEC. 13. RECORDS, OCCURRENCE DATA, AND INSPECTIONS.**

2 Section 1445 of title XIV of the Public Health Serv-  
3 ice Act (the Safe Drinking Water Act) is amended to read  
4 as follows:

5 **“SEC. 1445. RECORDS, OCCURRENCE DATA, AND INSPEC-**  
6 **TIONS.**

7 “(a) IN GENERAL.—(1) Every person who is a sup-  
8 plier of water, who is or may be otherwise subject to a  
9 primary drinking water regulation prescribed under sec-  
10 tion 1412 or to an applicable underground injection con-  
11 trol program (as defined in section 1422(c)), who is or  
12 may be subject to the permit requirement of section 1424  
13 or to an order issued under section 1441, or who is a  
14 grantee, shall establish and maintain such records, make  
15 such reports, conduct such monitoring, and provide such  
16 information as the Administrator may reasonably require  
17 by regulation to assist him in establishing regulations  
18 under this title, in determining whether such person has  
19 acted or is acting in compliance with this title, in admin-  
20 istering any program of financial assistance under this  
21 title, in evaluating the health risks of unregulated con-  
22 taminant, or in advising the public of such risks. In requir-  
23 ing a public water system to monitor under this sub-  
24 section, the Administrator may take into consideration the  
25 system size and the contaminants likely to be found in  
26 the system’s drinking water. Compliance monitoring regu-



1 lations promulgated under this paragraph shall permit the  
2 States with primary enforcement responsibility under sec-  
3 tion 1413 to tailor monitoring requirements for any indi-  
4 vidual public water system, or class of systems, based on  
5 occurrence data and other information concerning such  
6 system or class which is available to the State.

7       “(2) Not later than 18 months after enactment of  
8 the Safe Drinking Water Act Amendments of 1993, the  
9 Administrator shall promulgate regulations specifying a  
10 monitoring program for unregulated contaminants. The  
11 regulations shall require monitoring of drinking water sup-  
12 plied by the system and shall vary the frequency and  
13 schedule of monitoring requirements for systems based on  
14 the number of persons served by the system, the source  
15 of supply, and the contaminants likely to be found. Each  
16 system required to monitor shall conduct such monitoring  
17 at least once every 5 years after the effective date of the  
18 Administrator’s regulations unless the Administrator re-  
19 quires more frequent monitoring.

20       “(3) Not later than 18 months after enactment of  
21 the Safe Drinking Water Act Amendments of 1993 and  
22 every 5 years thereafter, the Administrator shall promul-  
23 gate revised regulations under paragraph (2) listing not  
24 more than 30 unregulated contaminants to be monitored  
25 by public water systems and included in the national

1 drinking water occurrence data base maintained pursuant  
2 to subsection (b) of this section. Public water system serv-  
3 ing 10,000 or more people shall monitor for all listed con-  
4 taminants. In addition, each State shall develop a rep-  
5 resentative monitoring plan to assess the occurrence of un-  
6 regulated contaminants in systems serving fewer than  
7 10,000 people, which plan shall require monitoring by sys-  
8 tems representatives of different sizes, types and geo-  
9 graphic locations within the State. Environmental Protec-  
10 tion Agency shall make available to the States, on request,  
11 laboratory capacity to analyze samples taken pursuant to  
12 the plan.

13 “(4) Public water systems conducting monitoring of  
14 unregulated contaminants pursuant to this section shall  
15 provide the results of such monitoring to the primary en-  
16 forcement authority.

17 “(5) Notification of the availability of the results of  
18 the monitoring programs required under paragraph (2),  
19 and notification of the availability of the results of the  
20 monitoring program referred to in paragraph (6), shall be  
21 given to the persons served by the system and the Admin-  
22 istrator.

23 “(6) The Administrator may waive the monitoring re-  
24 quirement under paragraph (2) for a system which has  
25 conducted a monitoring program after January 1, 1983,

1 if the Administrator determines the program to have been  
2 consistent with the regulations promulgated under this  
3 section.

4 “(7) Any system supplying less than 150 service con-  
5 nections shall be treated as complying with this subsection  
6 if such system provides water samples or the opportunity  
7 for sampling according to rules established by the Admin-  
8 istrator.

9 “(8) There are authorized to be appropriated  
10 \$30,000,000 in the fiscal year ending September 30,  
11 1987, to remain available until expended to carry out the  
12 provisions of this subsection.

13 “(b) OCCURRENCE DATA BASE.—Not later than 24  
14 months after enactment of the Safe Drinking Water Act  
15 Amendments of 1993, the Administrator shall assemble  
16 and maintain a national drinking water occurrence data  
17 base, using information on the occurrence of both regu-  
18 lated and unregulated contaminants in public water supply  
19 systems obtained under subsection (a) of this section, and  
20 information from other public and private sources. Such  
21 data shall be used by the Administrator in making any  
22 determination under section 1412 with respect to the oc-  
23 currence of any contaminant in drinking water at levels  
24 of public health concern. The Administrator shall periodi-  
25 cally solicit recommendation from the National Academy

1 of Sciences and any person may petition the Administrator  
2 with respect to contaminants that should be included in  
3 the national drinking water occurrence data base, includ-  
4 ing recommendations with respect to additional unregu-  
5 lated contaminants which should be listed in regulations  
6 promulgated under paragraph (3) of subsection (a) of this  
7 section.

8       “(c) ENTRY AND INSPECTION.—(1) Except as pro-  
9 vided in paragraph (2), the Administrator, or a represent-  
10 ative of the Administrator duly designated by him, upon  
11 presenting appropriate credentials and a written notice to  
12 any supplier of water or other person subject to (A) a na-  
13 tional primary drinking water regulation prescribed under  
14 section 1412, (B) and applicable underground injection  
15 control program, or (C) any requirement to monitor an  
16 unregulated contaminant pursuant to subsection (a), or  
17 person in charge of any of the property of such supplier  
18 or other person referred to in clause (A), (B), or (C), is  
19 authorized to enter any establishment, facility, or other  
20 property of such supplier or other person in order to deter-  
21 mine whether such supplier or other person has acted or  
22 is acting in compliance with this title, including for this  
23 purpose, inspection, at reasonable times, of records, files,  
24 papers, processes, controls, and facilities, or in order to  
25 test any feature of a public water system, including its

1 raw water source. The Administrator or the Comptroller  
2 General (or any representative designated by either) shall  
3 have access for the purpose or audit and examination to  
4 any records, reports, or information of a grantee which  
5 are required to be maintained under subsection (a) or  
6 which are pertinent to any financial assistance under this  
7 title.

8       “(2) No entry may be made under the first sentence  
9 of paragraph (1) in an establishment, facility, or other  
10 property of a supplier of water or other person subject  
11 to a national primary drinking water regulation if the es-  
12 tablishment, facility, or other property is located in a State  
13 which has primary enforcement responsibility for public  
14 water systems unless, before written notice of such entry  
15 is made, the Administrator (or his representative) notifies  
16 the State agency charged with responsibility for safe  
17 drinking water of the reasons for such entry. The Admin-  
18 istrator shall, upon a showing by the State agency that  
19 such an entry will be detrimental to the administration  
20 of the State’s program of primary enforcement respon-  
21 sibility, take such showing into consideration in determin-  
22 ing whether to make such entry. No State agency which  
23 receives notice under this paragraph of an entry proposed  
24 to be made under paragraph (1) may use the information  
25 contained in the notice to inform the person whose prop-

erty is proposed to be entered of the proposed entry; and if a State agency so uses such information, notice to the agency under this paragraph is not required until such time as the Administrator determines the agency has provided the Administrator with satisfactory assurances that it will no longer so use information contained in a notice under this paragraph.

“(d) PENALTY.—Whoever fails or refuses to comply with any requirement of subsection (a) or to allow the Administrator, the Comptroller General, or representatives of either, to enter and conduct any audit or inspection authorized by subsection (b) shall be subject to a civil penalty of not to exceed \$25,000.

“(e) TRADE SECRETS.—(1) Subject to paragraph (2), upon a showing satisfactory to the Administrator by any person that any information required under this section from such person, if made public, would divulge trade secrets or secret processes of such person, the Administrator shall consider such information confidential in accordance with the purposes of section 1905 of title 18, of the United States Code. If the applicant fails to make a showing satisfactory to the Administrator, the Administrator shall give such applicant 30 days notice before releasing the information to which the application relates

1 (unless the public health or safety requires an earlier re-  
2 lease of such information).

3 “(2) Any information required under this section (A)  
4 may be disclosed to other officers, employees, or author-  
5 ized representatives of the United States concerned with  
6 carrying out this title or to committees of the Congress,  
7 or when relevant in any proceeding under this title and  
8 (B) shall be disclosed to the extent it deals with the level  
9 of contaminants in drinking water. For purposes of this  
10 subsection the term ‘information required under this sec-  
11 tion’ means any papers, books, documents, or information,  
12 or any particular part thereof, reported to or otherwise  
13 obtained by the Administrator under this section.

14 “(f) DEFINITION OF GRANTEE.—For purposes of  
15 this section, (1) the term ‘grantee’ means any person who  
16 applies for or receives financial assistance, by grant, con-  
17 tract, or loan guarantee under this title, and (2) the term  
18 ‘person’ includes a Federal agency.”.

19 **SEC. 14. JUDICIAL REVIEW.**

20 Section 1448 of title XIV of the Public Health Serv-  
21 ice Act (the Safe Drinking Water Act) is amended by  
22 striking out “or exemption” each place it appears and by  
23 striking out “or 1416”.

1 **SEC. 15. CITIZENS CIVIL ACTION.**

2 Section 1449 of title XIV of the Public Health Serv-  
3 ice Act (the Safe Drinking Water Act) is amended as  
4 follows:

5 (1) Strike the period at the end of subsection

6 (b)(1)(B) and insert “; or” and add the following:

7 “(C) against a public water system which  
8 is operating under the terms of an—

9 “(i) administrative compliance order,

10 “(ii) administrative consent agree-  
11 ment, or

12 “(iii) judicial consent decree, and  
13 is in compliance with the terms of such order,  
14 agreement or decree; or”.

15 (2) Strike “or 1416” and “or exemption” in  
16 subsection (b)(2).

○

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